## REMARKS

Claims 3-7 are pending.

Claim 1 has been amended to clarify the English expression. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated February 23, 2007.

**The rejection of amended claim 7 under 35USC103(a) as being unpatentable over Yanagisawa et al. (FEBS Letters, 1997; 420: 43-46), in view of US Patent No. 5,530,101 to Queen et al., 25 June 1996 and Webber et al. (Mol Immunol, 1995; 32(4):249-258) is maintained for reasons of record (see previous office action mailed 08/03/2006) and is further applied to amended claims 3-6 for the reasons stated below.** (Office Action, p.4)

As applicants asserted in the previous response, the DNA sequences encoding the variable regions of the antibody 4396 were successfully determined by the inventors, and this achievement allowed genetically manipulating the antibody, i.e. making recombinant antibodies as claimed.

Yanagisawa et al. (1997) discloses the antibody 4396, which is IgM class, and the results of experiments using it, **but does not provide any information on the sequence of the antibody 4396.** If the antibody 4396 had been available, a person ordinary skilled in the art would have been able to sequence the DNA encoding the antibody 4396. **However, the antibody 4396 has not been made available to third parties and not even the co-authors of Yanagisawa et al.** had free access

to the antibody and the hybridoma producing it

**The attached Declaration proves the antibody 4396 has not been made available to third parties and not even the co-authors of Yanagisawa et al.**

In conclusion, Yanagisawa et al. does not provide any substantial disclosure of the antibody 4396 and the hybridoma producing it from the viewpoint of availability, and is therefore, not eligible as a prior art denying nonobviousness of the instant inventions.

There is no description which suggests possibility of administration of the antibodies of human in Yanagisawa et al. The description (page 46, bottom of 1st column in Yanagisawa et al. ) pointed out by the Examiner teaches that the antibody 4396 itself may be useful in study for initial molecular mechanism of Aβ deposition. In other words, usefulness of the antibody 4396, which is IgM class, in future study is suggested. In addition, throughout the paper, usefulness of this antibody is demonstrated and emphasized. Taken together these facts, a person of ordinary skill in the art regards the antibody 4396, i.e. IgM class antibody, as a sufficient tool for the intended use and would not try to make an antibody of another class such as IgG, which requires much effort. **Thus, Yanagisawa et al. does not provide any incentive or motivation to make recombinant antibodies.**

Based on the Declaration which removes Yanagisawa as a reference, it is respectfully requested that this rejection be reconsidered and withdrawn.

**Claims 3-7, as amended, are rejected under 35USC103(a) as being unpatentable over**

**Yanagisawa et al. (FEBS Letters, 1997; 420: 43-46), in view of US Patent No. 5,530,101 to Queen et al., 25 June 1996 and Webber et al. (Mol Immunol, 1995; 32(4):249-258) as discussed above, and further in view of EP0620276 A1 by Adair et al., published October 19, 1994.** (Office Action, p.8)

Adair (EP 0 620 276) teaches that the constant region domains of CDR-grafted humanized antibodies may be selected with regard to the proposed function of the antibody, in particular the effector functions, which may be required. Furthermore, the rejection concludes that Adair teaches that the constant region domains of the humanized antibody may be selected with regard to the desired use, and that human IgG domains such as IgG1, IgG2, IgG3 or IgG4 are particularly preferred if the intended use of the antibody is for therapy or diagnosis in a human patent.

However with Yanagisawa disqualified as a reference, Adair still does not suggest the claimed antibody. Thus it is respectfully requested that the rejection be reconsidered and withdrawn.

**Claim 3 is objected to because of the following informalities: The claim language used to define the antibody, i.e. "The antibody is...", is considered non-conventional. The Examiner suggests addition of the word "wherein" to the above phrase, i.e., "wherein the antibody is..." to negate the objection.** (Office Action , p.10)

The applicants believe that a "wherein" clause is not appropriate before the term "comprising" and have instead changed the verb form to correct the objection. It is respectfully

requested that this objection be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 3-7, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP

Wills Brooks
Reg. No. 34,129 for
James E. Armstrong, IV
Attorney for Applicants
Reg. No. 42,266

JAM/rk/aoa
Atty. Docket No. **040036**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930

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